

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DANNY LEE STRADFORD,

Petitioner,

v.

MARIES COUNTY SHERIFF'S
DEPARTMENT,

Respondent.

No. 4:22-CV-879-MTS

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Petitioner Danny Lee Stradford commenced this civil action with a letter titled “Heabus-Corpus,” alleging that he is being illegally detained by the Maries County Sheriff’s Department. Doc. [1]. On August 25, 2022, the Court issued an Order finding Petitioner’s letter defective as a complaint commencing a civil case because it was not drafted on a Court-provided form. Doc. [2] (citing E.D. Mo. Local Rule 2.06(A)). In addition, the Court noted that Petitioner had neither paid the filing fee nor submitted a motion to proceed without prepaying fees or costs. As such, the Court directed the Clerk to send Petitioner the necessary forms and ordered that Petitioner file an amended petition on the Court-provided form within thirty (30) days. Petitioner was also given thirty (30) days to either pay the full filing fee or submit the Court-provided motion to proceed without prepaying fees or costs. The Court cautioned Petitioner that his failure to timely comply with the Order would result in the dismissal of his case without further notice. Petitioner’s response was due by September 26, 2022.

To date, Petitioner has neither responded to the Court’s Order, nor sought additional time to do so. Local Rule 2.01 authorizes the Clerk of Court to refuse to receive any pleadings “until the applicable statutory fee is paid, except in cases accompanied by a completed application to

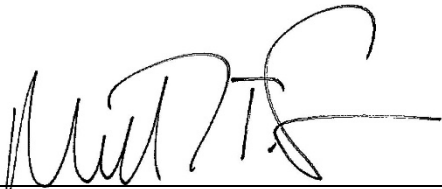
proceed in forma pauperis.” E.D. Mo. Local Rule 2.01(B)(1). Petitioner had neither paid the filing fee nor submitted a motion to proceed without prepayment. Petitioner was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Petitioner’s failure to comply with the Court’s August 25, 2022 Order; his failure to prosecute his case; and his failure to pay the filing fee or seek permission to proceed without prepayment. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed “by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases”); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 11th day of October, 2022.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE